

Tanya Domi: Hi. This is Tanya Domi. Welcome to The Thought Project, recorded at the Graduate Center of the City University of New York, fostering groundbreaking research and scholarship in the arts, social sciences, and sciences. In this space, we talk with faculty and doctoral students about the big thinking and big ideas generating cutting-edge research, informing New Yorkers and the work.

Professor Candace McCoy, a criminal justice generalist, specializes in the study of criminal justice policies. She has published on such topics as sentencing, pleas bargaining, jury decision-making, police practices, and drug courts. She has also taught in the field of criminal justice ethics. McCoy earned her PhD from the University of California Berkeley and her JD from the College of Law at the University of Cincinnati. Dr. McCoy returns to the Graduate Center this fall after a two-year public service leave in which she served as the director of policy analysis in the Office of the Inspector General for the New York City Police Department. Last summer, Dr. McCoy was named as a fellow by the University of California Irvine's National Center for Free Speech and Public Engagement where she will write about the topic of police practices and policies responding to public demonstrations.

Welcome back to the Graduate Center and to The Thought Project, Professor McCoy.

Dr. McCoy: Hey. It's good to be back. Hi.

Tanya Domi: It's wonderful to see you. So, I've been waiting to do this interview for two years. You are, in fact, an academic who specializes in criminal justice and you're also a lawyer.

Dr. McCoy: Right.

Tanya Domi: How did you become interested in policing specifically, and in criminal justice more broadly?

Dr. McCoy: Wow. Well, it's corny but my first summer job when I was in law school, you know those summer jobs are important when you're a student. I was working on a police community relations project in Cincinnati, Ohio. I was racing around trying to hold police accountable way back then. I developed some expertise, and subsequently I got a job. Tanya, how else do we get into these things? Somebody gives up a job, right?

Tanya Domi: You got a job.

Dr. McCoy: Yeah.

Tanya Domi: You got a job in the police department-

Dr. McCoy: And I needed a job. No, no.

Tanya Domi: No?

Dr. McCoy: I got a job teaching-

Tanya Domi: Ah.

Dr. McCoy: I thought I was going to be a lawyer, but I got a job at university and it was in a brand new field called Criminal Justice. There were no women in it at all. There was some controversy in hiring me; this was 1977, but I had that experience with the police community thing. There were no police women, and so they were saying, "Well you need experience to get this job." I said, "Well, look at this." Sometimes, those summer jobs when you're in school pay off-

Tanya Domi: They really count.

Dr. McCoy: And it turned out, so the rest is history. I liked teaching, I liked research, and I stuck with it.

Tanya Domi: I hate to say this, but even now, women are an exception. You see mostly men on television talking about criminal justice, or you see women advocates who are in non-profits and/or they're lawyers representing clients. You are an exception; you're quite rare in-

Dr. McCoy: Well maybe in police professions-

Tanya Domi: Yes.

Dr. McCoy: But certainly not anymore in [inaudible 00:04:03]. When I started-

Tanya Domi: Sure.

Dr. McCoy: Oh, I was always "the first woman" everything. It got to be a bit wearing, but now the majority of professors and students in the field of criminal justice are women.

Tanya Domi: Oh, that's great.

Dr. McCoy: Yeah, it is.

Tanya Domi: That's great to hear. So, you're coming back to the Graduate Center and you're coming off a stint as Director of Policy Analysis in the Office of New York Police Department's Inspector General. According to the website, I did some research because you asked me to, and I can't ask people questions unless I know something about what I'm talking about, but it operates independently of the NYPD and it investigates corruption, fraud, waste, and abuse within the New York Police Department. Your recommendations are not binding. Is that correct?

Dr. McCoy: Yes, I could elaborate just a tad.

Tanya Domi: Oh please, please. The last question to this series right here is, why did you seek to do your public service leave in that office, and tell us about your responsibilities. Just give

the listeners an understanding of what you did and why you did it. It sounds pretty interesting.

Dr. McCoy: It was fascinating. I'm so lucky to be allowed to go on professional leave and do this kind of work and then come back. I hope I'm going to be a better teacher because of it. The Inspector General, as you said, it's independent. It has oversight. I wanted to do it partly because I knew they had subpoena power. I wanted to get data, I wanted to see what it looked like-

Tanya Domi: Oh, they did have subpoena power. That's powerful.

Dr. McCoy: Yes. It's part of the Department of Investigation. Nevertheless, access to data and documents is still very, very contested, but it's a new thing, Tanya. That's, again, a real draw because I was the first Director of Policy for a brand new agency, so it was a startup.

Tanya Domi: It was a startup.

Dr. McCoy: It was a startup, and it still is. I wanted to be there to see it and learn. I also wanted to, frankly, enjoy being one of the founders in a startup, you know? You're right: the recommendations are not binding. In New York, and this is a new model of police accountability, New York is one of the only east coast ones really. The west has a few. An Inspector General can get documents, has access to interviews, can investigate just like a prosecutor does, but when it comes time to decide what to do, this is not about corruption necessarily and waste. This is about the policies of the department. If you take a look at our reports, you notice I'm still saying "our."

Tanya Domi: Yes, yes.

Dr. McCoy: I haven't gotten past it yet.

Tanya Domi: Well, you did author and contribute, so you get some ownership there.

Dr. McCoy: I feel good. Well I feel good. So the recommendations come out, and the police department does not have to abide by them. Nevertheless, they're public. The media report on them, and City Council is aware of them. The police department has 90 days to respond to these recommendations that are based on our investigations. They often agree-

Tanya Domi: So you do have some teeth-

Dr. McCoy: Yeah.

Tanya Domi: And you have some leverage too with the public reporting on it, and these reports come out-

Dr. McCoy: But it's only as powerful as the public itself makes it.

Tanya Domi: Aha.

Dr. McCoy: The job that the IG does is to bring transparency. It's soft power, soft power of transparency. Once it's out there, it's up to the public to do something about it.

Tanya Domi: So tell me about the fascinating part. I want to hear about that. What was fascinating?

Dr. McCoy: Well I'm under a non-disclosure agreement, Tanya, so I can't.

Tanya Domi: But you can talk more broadly, more generally.

Dr. McCoy: Yes, yes I can. First of all, the fascinating part is knowing what to investigate. Of all the various policies of a police department that has 50,000 employees, although we were only looking at the sworn officers and particularly their management, what are you going to look at? What would you do to change the culture of a police department?

Tanya Domi: So you're probably looking at where you could create a trend or an outcome-

Dr. McCoy: Yes.

Tanya Domi: Well I was a police officer in the military, so I do know a little bit about policing but very little. Trends, things that would be systematic wide. Correct?

Dr. McCoy: Absolutely. That's the word. That is the word.

Tanya Domi: "Systematic wide."

Dr. McCoy: "Systematic." Put it in the context of organizational theory, for those professors out there who like organizational theory and sociology, and any of us, anybody. We all work in organizations in our life: big organizations, little, whatever, but that organization has to have policies, procedures, ways of doing business that are legal, that are in touch with best practices-

Tanya Domi: And comport with the rule of law.

Dr. McCoy: Exactly. We think of the police department as being so nasty, but I don't know; look at the organizations. The Graduate Center does not count in this. It's great, but we all work in big organizations. If the policies of that organization, the practices that are being followed do not comport with the rule of law, there's a real problem. The way to get at that is not necessarily through punishing individual employees. The way to get at that is to get the organization to do right-

Tanya Domi: And the leadership.

Dr. McCoy: Absolutely.

Tanya Domi: Take that lead. So, one of the reports that was issued during your tenure was concerning gaps in NYPD's implementation of the 2012 Patrol Guide Reviews for LGBTQ and transgender non-conforming persons. Now that's a topic of a lot-

Dr. McCoy: that's a long title.

Tanya Domi: It is a long title, but it's an important topic because as all of us know who are in that community or study that community, we know in particular transgender women of color are on the receiving end of some of the most violent attacks and we have a very high disproportionate murder rate of those persons. We also know in the city of New York, probably every night over 4,000 children that are LGBTQ are on the streets of the city. The report indicated that there was insufficient training following police academy training, so following graduation-

Dr. McCoy: Right.

Tanya Domi: And that only 77 precincts had current training and were up to date, and that the department did not currently at that time track LGBTQ-related complaints of bias by police officers.

Dr. McCoy: Right.

Tanya Domi: Now, I found that sort of shocking because full disclosure: I worked on the James Byrd-Matthew Shepherd Federal Hate Crimes Law-

Dr. McCoy: Right.

Tanya Domi: When I was a lobbyist for civil rights-

Dr. McCoy: Really?

Tanya Domi: In Washing DC, and part of that was FBI data-gathering on crimes against LGBT persons. Now, there's a certain period, it's in effect and it gets money and then sometimes that goes away, but I was surprised because of the federal statistics aspect to that law. I'm interested. The report made several recommendations; can you tell us where that's at? I'm interested about it.

Dr. McCoy: Sure. Well, this is an example of what we choose to investigate-

Tanya Domi: Exactly.

Dr. McCoy: We chose to look at it for the reasons you just mentioned. It's really a problem out there for these vulnerable populations. To be fair, we also said, Tanya, that the Patrol Guide, the new rules that the department issued for all of its officers to follow are pretty good. They're pretty good. The question is, are they being followed?

Tanya Domi: And observed and implemented.

Dr. McCoy: Yeah, yeah. The first thing about not having the training for the in-service people, although the academy training was pretty good, is problematic because once you make any change like that, you have to train your people. That bothered us, but there were several aspects of that report. The thing that bothered me didn't really end up in the report that much. This is just Candace McCoy talking, not the former Policy Director.

Tanya Domi: Okay.

Dr. McCoy: We found that arrestees who are trans can't get put into one or the other holding cells, either of the bi-

Tanya Domi: By gender, by their preferred gender identity.

Dr. McCoy: Yes, yes.

Tanya Domi: By their selected gender identity, yes.

Dr. McCoy: Their selected identity, for reasons that are pretty good. They can get victimized when they are put in either one. What do you do under those circumstances as a good police officer? Well, you keep the person apart, but you know what happens? They handcuff them to stationary objects: a railing or a chair or a desk, and they'll sit there in view of everybody and getting mocked. Damned if you do, damned if you don't. It was a very difficult point, and we didn't have enough data. This is how these things work: anybody out there or any professors, researchers listening to this, know that you don't make big statements if you don't have enough data-

Tanya Domi: To back it up.

Dr. McCoy: Yeah. This investigation raised that issue, but we couldn't get data because the police department doesn't keep data. It doesn't keep any statement as to how long people are held like that-

Tanya Domi: Confined.

Dr. McCoy: Right. So we couldn't make any recommendations. I'm just telling you the sort of inside story of how it works. It wasn't that we were concerned about this; I think that there is a problem there. I sincerely hope that in the future, that Office will be able to come back to this problem.

Tanya Domi: That's a really interesting point, but regarding the training, so how does that get addressed? Isn't there like a community team, like there's a community engagement team? Who does the training? Who does the training-

Dr. McCoy: After the academy?

Tanya Domi: Yeah. Who's responsible for updating training? I would think in-service training would happen periodically as a matter of course.

Dr. McCoy: Sure. It's just like any training.

Tanya Domi: Right. Especially when you're looking at para-military and military organizations.

Dr. McCoy: Sure. Well you know, I get periodic training here at the GC via computer. I have to answer the questions and get a little "OK" on my IRB or-

Tanya Domi: Right, right. Exactly.

Dr. McCoy: Sexual harassment training. They get that too. There's also training at roll calls in the morning. I think those are probably the most effective. Unfortunately, well it's inevitable I suppose, but we could definitely improve, the NYPD is huge.

Tanya Domi: It's the largest police department in the United States.

Dr. McCoy: Sure. It is a small country on its own.

Tanya Domi: Right.

Dr. McCoy: I'm sorry, but-

Tanya Domi: I mean, [inaudible 00:16:59], it has a bigger life than most police departments. Law & Order reruns. No, but I mean it's been captured on the small screen-

Dr. McCoy: Well those are detectives-

Tanya Domi: That's true.

Dr. McCoy: And that's a whole other thing.

Tanya Domi: True, but it's NYPD-

Dr. McCoy: We did a very good report about detectives, by the way. Did you see the one about reporting and investigating allegations of sexual misconduct?

Tanya Domi: No, I didn't get to that one.

Dr. McCoy: Boy was that a good report. The media were all over that one. We did find that the NYPD really fell down on the job whenever a complaint of sexual assault was brought to them and the alleged perpetrator was an acquaintance. They just regarded that as not important. The procedures were inadequate. The number of detectives, now that's your Law & Order thing. This whole thing you see on Law & Order about how they're on everything and they-

Tanya Domi: Right.

Dr. McCoy: No. You need to be paid the money to staff the office, and the number of detectives we found was about a third of what it should've been in order to investigate fully the allegations that are brought. So-

Tanya Domi: For sexual misconduct?

Dr. McCoy: Yes. A person bringing an allegation to the police spontaneously claiming sexual assault. When a victim comes forward like that, that's hard enough right there-

Tanya Domi: Very true, very true.

Dr. McCoy: To come forward, and they won't come forward if everybody knows that nothing will be done. Nothing was done.

Tanya Domi: Of course. Wow. So, regarding the LGBTQ stuff, has there been any progress made since your report came out? Do you recall?

Dr. McCoy: Actually, there were some good meetings with community groups and NYPD. The NYPD has a group, a working group, to respond to this, and I sincerely hope that it'll improve. Unfortunately, I had to leave and-

Tanya Domi: Right.

Dr. McCoy: Come back to [inaudible 00:19:21], so I don't know what is happening now-

Tanya Domi: So you don't really know where it stands.

Dr. McCoy: Yeah.

Tanya Domi: One of the other areas that you took a great deal of interest in was this past April of this year, the Department of Investigations in the IG office issued a report on NYPD use of litigation strategy, updating the 2015 report. This is a significant report, and one of the findings which I found really, really unbelievable in my view, was there was a review of six precincts and that NYPD does not track lawsuits or the types of legal complaints for the genesis of the legal complaint-

Dr. McCoy: Yes.

Tanya Domi: Or the type, and thus there was no ongoing analysis that could yield to larger trends-

Dr. McCoy: Right.

Tanya Domi: On a closer review. Also, which doesn't surprise me but is also something that I dealt with in foreign countries, that NYPD does not publicly disclose any information about the limited data analysis it conducts on litigation and legal claims, like one-off I guess-

Dr. McCoy: Right.

Tanya Domi: One-offs. So there you go. I mean, a lack of transparency and no accountability.

Dr. McCoy: No.

Tanya Domi: It's striking. It is absolutely striking.

Dr. McCoy: Right, right. The transparency issue, of course, is what we were all about there. As a taxpayer of the city of New York, you should be outraged.

Tanya Domi: Well I am outraged. I would love to know how much that the city has spent in the last decade.

Dr. McCoy: Millions. Millions, millions. The comptroller actually has that. I'm not going to quote it here-

Tanya Domi: Sure.

Dr. McCoy: Because I'd probably be inaccurate, but it was very large.

Tanya Domi: Sure.

Dr. McCoy: The point I'm-

Tanya Domi: So tell me, this is one of your babies.

Dr. McCoy: Oh, this is my baby. I'm all over this one.

Tanya Domi: Okay, so this is really cool. Give us your best overview of this and what you can take away on it.

Dr. McCoy: Yeah. Well bottom line, if somebody is getting sued, even if it's as they call it "frivolous"; we'd hear a lot about how frivolous these lawsuits were. Well, somebody has come forward. Somebody has put themselves out there. Somebody is trying to make a point, whether they're justified legally or not, so you have to take it seriously. No matter what the outcome, you should regard this as a sort of canary in the mineshaft. If it starts singing a lot, a particular tune, you know you've got a problem. That's not that hard to do, is to track these things. Now there are thousands, thousands of lawsuits against NYPD every year. Some of them are as simple as, they're about traffic problems. They're not about great civil rights issues, right? They're about disrespectful language. Well then that goes over to the CCRB, the Complaint Review Board. There's all kinds of things, but when it gets to really serious bodily injury or violation of civil rights, wrongful arrests-

Tanya Domi: Like Eric Garner as an example.

Dr. McCoy: Well, we're not going into particular cases because then we'll really get bogged down.

Tanya Domi: Okay, okay. Sure.

Dr. McCoy: Well, to be fair-

Tanya Domi: As an example.

Dr. McCoy: The Garner people, the family of Eric Garner received a very, very significant civil settlement of I think over \$5.8 million for that death. Of course, it's inadequate to bring him back-

Tanya Domi: Sure, sure.

Dr. McCoy: But if you have a \$5.8 million settlement-

Tanya Domi: It's significant.

Dr. McCoy: Yeah, you should say, "Wait a minute, maybe we should rethink our choke hold policies," although it wasn't a choke hold that did it. I don't want to get deeper into it.

Tanya Domi: Okay.

Dr. McCoy: Anyway, the point is here that all we were saying is, "You have to track this, and you have to make it public."

Tanya Domi: We ask basically developing nations to do that.

Dr. McCoy: Developing nations, thank you. Well, and it turned out City Council got angry and they put it in a law. Now, every year-

Tanya Domi: I did see that.

Dr. McCoy: The Inspector General will come out with a report on it. We were lucky in this sense that we didn't have to get the information from the NYPD, or God knows we'd get it some time next century. The information comes from the comptroller and from the law department, and they cooperate fully. Bottom line here, I think that-

Tanya Domi: So they're on the hook. They are on the hook now under a law-

Dr. McCoy: They're [crosstalk 00:24:20] about it. Yeah, yeah.

Tanya Domi: And because of the way the city government works, it's more than apparent.

Dr. McCoy: Yeah, yeah. Well there you are. Bottom line, I said I think that NYPD might in fact do this tracking. In fact, they claim in their response, "We already do this." We said, "Well yeah? Show us. Just show us."

Tanya Domi: Right.

Dr. McCoy: And they wouldn't.

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Tanya Domi: Well, they should be doing it, and the taxpayers of the city of New York City should absolutely demand it. Kudos to the City Council for making this report a requirement.

Dr. McCoy: Yep. So next year, there will be another [inaudible 00:25:01] next April.

Tanya Domi: So, this has all been very interesting and I bet you a dollar your students are going to love to hear about this stuff. I'm sure that it's going to change the way you teach. It's more information for students. I would think that would inform your teaching in a new way.

Dr. McCoy: Well, that's sweet. That's a softball question there, but it's really not. It's hard because I've always taught criminal justice policy. That's my field. I always thought I was doing a good job. I teach an advance seminar in policing occasionally, covering all police accountability questions. "So how would this change?", I've asked myself, and what's interesting, I'm coming back with a renewed appreciation for how hard it is. You stand in the classroom and you've got all the theory. Then we see how it all fits together and we pass the exams, and we come up with great insight and we write some books, and it's wonderful but boy, when you're down there in the trenches, oh my heavens. Just every little movement is so hard. I think it's not that I'm going to be less enthusiastic in the classroom, but perhaps a little more realistic, and also I bring some new tools for policy analysis, that I learned some new stuff out there that I'm enjoying seeing the results on. I sincerely hope that public policy studies will continue to flourish here so we can do that.

Tanya Domi: Sounds great. So not only are you bringing this back with you, but this year, and congratulations to you because you are now a fellow-

Dr. McCoy: Oh yeah.

Tanya Domi: And you're a member of the inaugural class of fellows at the University of California Irvine National Center for Free Speech and Civic Engagement. Tell us about your project that you're going to research and write on the topic of police practices and policies, responding to public demonstrations. There could be nothing more timely.

Dr. McCoy: Well thanks. It is timely, and for that reason it's kind of scary to me but it's a scary topic. I've always been interested in police and First Amendment issues, and that's why they chose me for this fellowship. It'll support some writing I'm doing on this topic. Everybody remembers Charlottesville.

Tanya Domi: Well I was going to ask, because there isn't anything that more illustrates these issues-

Dr. McCoy: Boy.

Tanya Domi: Than what took place in Charlottesville.

Dr. McCoy: Boy.

Tanya Domi: Really quite frankly, the rise of white supremacy in this county that's being tracked by the Souther Poverty Law Center is really frightening.

Dr. McCoy: Yeah, it's more than frightening; it's terrifying, which is what they want I think, but do not discount, to be fair about it, the [Antifa 00:28:21] people are not exactly Sunday school children. These are two armed and violent, if you wish, gangs ready to square off against each other in the name of free speech. It's not easy, putting aside the politics, and I know it's insanely hard to put aside the politics. If you were a police officer, well if you were a police chief, looking at these inevitable showdowns, and you can just see it building up, and knowing that both sides there are going to be bringing incredible anger to these events, knowing that this country is awash in guns, knowing that your police officers are expected somehow to protect life, what are you going to do? That's not an easy one. Somewhere in there, the police have to figure out what policy is best to keep these people from killing each other, and at the same time protect free speech.

Tanya Domi: Yes, and I think the intersection of these phenomenon are on college campuses right now.

Dr. McCoy: Yes.

Tanya Domi: That seems to be a throwback to the '70s.

Dr. McCoy: Yes, the UC, this is the University of California that is sponsoring this research-

Tanya Domi: Yes.

Dr. McCoy: And that's why they started this initiative. They've got, I think, 10 inaugural fellows looking at this-

Tanya Domi: Yes.

Dr. McCoy: Professors from all around the nation. That's because of the events at Berkeley last year, actually two years. This preceded Charlottesville-

Tanya Domi: It's true; the right-wing speaker-

Dr. McCoy: Yiannopoulos.

Tanya Domi: Speakers, yeah, Yiannopoulos that came.

Dr. McCoy: They could not keep him off campus; he paid the money for that lecture hall. Then he riled everybody up and got everybody coming there. The University of California Berkeley had to pay several million dollars in security costs to protect both sides from killing each other. Now, that's not a good use of your fees is it?

Tanya Domi: I think it's a real quandary.

Dr. McCoy: This is a hard one.

Tanya Domi: It's a real quandary.

Dr. McCoy: It's horrible. It's really tough.

Tanya Domi: I think college administrators have thus far not proven to be very sure-footed on it. I think it's all contextual, like what happened at Berkeley versus what happened at UVA versus what happens at a private school-

Dr. McCoy: Right, right.

Tanya Domi: These are all different contextual, but I think it's here and I think it's an issue that's going to have to be contingent with, and we cannot wait to read your reports or your book that I hope is forthcoming, Candace McCoy.

Dr. McCoy: Well I can't wait to read it myself. Thanks a lot.

Tanya Domi: Thank you so much for being with us today.

Dr. McCoy: Thank you, Tanya.

Tanya Domi: Thanks for tuning in to The Thought Project and thanks to our guest, Professor Candace McCoy of the Graduate Center City University of New York.

The Thought Project is brought to you with production, engineering, and technical assistance by Sarah Fishman. I'm Tanya Domi. Tune in next week.